



Atty. Docket No. P4455.01 DIV
Client Matter No. 46234.0063.001
Express Mail No. EL954332442

D. Lawrence
#10
10/11/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Baugh, et al.)	
Serial No.:	09/330,544)	Art Unit:
Filing Date:	June 11, 1999)	1743
Title:	TEST CARTRIDGE FOR EVALUATING BLOOD PLATELET FUNCTIONALITY)	Examiner: Alexander, L.

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To: Commissioner for Patents
Washington, DC 20231

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Sir:

REMARKS

An Office Action, Paper No. 10, issued in this application on April 24, 2002. Claims 4-6, 8, 10-12, 14, 16, 18-22, 24 and 26-28 are pending and stand rejected. Reconsideration is respectfully requested in light of the following remarks.

Rejections under Obviousness-Type Double Patenting

Claims 4-6, 8, 10-12, 14, 16, 18-22, 24 and 26-28 are rejected under the judicially created doctrine of double patenting as being unpatentable over claims 28-40 of U.S. Patent No. 5,972,712, respectively. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because both teach method of evaluating the clotting characteristics of blood. A Terminal Disclaimer with respect to U.S. Patent No. 5,972,712 will be filed when patentable subject matter has been determined.

Rejection under 35 U.S.C. § 103(a)

Claims 4-6, 8, 10-12, 14, 16, 18-22, 24 and 26-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Baugh (5,314,826) in view of Hanahan et al. (4,329,302). The Examiner states that Baugh teaches a method for the evaluation of clotting characteristics of platelets. The Examiner also alleges that while the Baugh is silent to the claimed 1-O-alkyl-2-acetyl-sn-glyceryl-3-phosphorylcholine (AGEPC), it would have been within the skill

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Baugh, et al.

Serial No.: 09/330,544

Filed: June 11, 1999

For: TEST CARTRIDGE FOR
EVALUATING BLOOD
PLATELET FUNCTIONALITY

Group Art Unit: 1743

Examiner: Alexander, L.

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Commissioner for Patents
Washington, DC 20231

Sir:

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1. Amendment and Response Under 37 C.F.R. § 1.111 (4 pages);
2. Return postcard; and
4. Certificate of Mailing by Express Mail

relating to the above application, were deposited as "Express Mail", Mailing Label No. EL954332442US, with the United States Postal Service, addressed to Commissioner for Patents, Washington, DC, 20231.

July 15, 2002
Date

July 15, 2002
Date

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